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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 07-00373 RMW
14 Plaintiff,) STIPULATION AND []
15 v.) ORDER TO CONTINUE STATUS
16 NED ROSCOE, and) HEARING AND TO EXCLUDE TIME
JOHN ROSCOE,) FROM JUNE 30, 2008 THROUGH
17 Defendants.) AUGUST 25, 2008 FROM THE SPEEDY
) TRIAL ACT CALCULATION (18 U.S.C. §
) 3161(h)(8)(A),(B))
18 _____)

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20 On June 30, 2008, the parties appeared for a hearing before the Court for a status hearing
21 and superseding arraignment. The defendants each pleaded not guilty to the charges contained in
22 the superseding indictment, and further requested that the Court set the matter for another status
23 hearing on August 25, 2008, on the asserted bases that they intend to make further discovery
24 requests in this case, and because the case is complex. The government and counsel for both
25 defendants thus stipulated to an exclusion of time under the Speedy Trial Act.

26 The United States hereby submits this written request for an order finding that said time
27 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served
28 by taking such action and outweigh the best interests of the public and defendants in a speedy

1 trial. 18 U.S.C. § 3161(h)(8)(A). Further, the case has been deemed complex under 18 U.S.C. §
2 3161(h)(8)(B)(ii).

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4 DATED: July 1, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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6 _____/S/
7 EUMI L. CHOI
Assistant United States Attorney

8 _____/S/
9 MARK EIBERT
For Defendant NED ROSCOE

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11 _____/S/
12 PETER LEEMING
For Defendant JOHN ROSCOE

13
14 **ORDER**
15

16 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
17 ORDERS that the time between June 30, 2008 through August 25, 2008 is excluded under the
18 Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking
19 such action and outweigh the best interests of the public and defendants in a speedy trial. 18
20 U.S.C. § 3161(h)(8)(A). Moreover, the case has been deemed complex under 18 U.S.C. §
21 3161(h)(8)(B)(ii). The Court therefore concludes that this exclusion of time should be made
22 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(ii).

23 IT IS SO ORDERED.

24 DATED: 7/24/08


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

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